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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,391	11/25/2003	Marcus Felipe Fontoura	ARC920030080US1	8873
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04/11/2008				
EXAMINER				
WONG, JOSEPH D				
ART UNIT		PAPER NUMBER		
2168				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/723,391

Applicant(s)

FONTOURA ET AL.

Examiner

JOSEPH D. WONG

Art Unit

2168

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 March 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1, 13, 25 and 37-53.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.

/Tim T. Vo/
Supervisory Patent Examiner, Art Unit 2168

Continuation of 13. Other: Arguments are considered yet are deemed not persuasive. On P. 10, 3rd paragraph, Applicant argues that Fry does not teach limitations from claim 1 of "query processing" and "matching a query to a tag identifier of a mark-up language data stream". However, Fry teaches in paragraph [31], "the name of an element to be extracted from the XML document is passed to an iterative method" and "an element tag of the XML document is located and the element type read by the base parser" which meets the limitation because a query can be interpreted to include extracting an element tag and matching a query tag can be interpreted to include locating an element tag. On P. 10, paragraph 6, Applicant argues that "matching" is not "parsing". However, "matching" is met by "locating". Therefore Fry teaches claim 1 as previously discussed on P. 3 of the Final. On P. 10, paragraph 7 through P. 11, paragraph 1, Applicant argues that Fry does not teach "A method for query processing...scanning, by a processor, all tag identifiers of said ordered index to determine if there exists a match between a query and any of said tag identifiers; parsing a matched textual element, if there exists a match between a query and any of said tag identifiers; parsing a matched textual element, if a tag identifier, correspond to said matched textual element, matches said query; and skipping an unmatched textual element for parsing, if a tag identifier, corresponding to said unmatched textual element, does not match said query". However, Fry teaches the alleged deficiencies in paragraphs [30-31, 35] and Figs. 1-3 and claim 1 as previously discussed on P. 3, paragraph 1 of the Final. Therefore claim 1 is rejected. On P. 11, paragraph [1], Applicant argues that Fry does not teach "A system for query processing...a processor adapted to scan all tag identifiers of said ordered index to determine if there exists a match between a query and any of said tag identifiers; and a parser adapted toskip an unmatched textual element for parsing, if a tag identifier, corresponding to said unmatched textual element, does not match said query" as recited in claims 13 and 37. However, the Final Office Action cites Fry teaching the alleged limitations on P. 4-5 of the Final Office Action. Therefore claims 13 and 25 are rejected. Applicant further suggests that Fry does not teach "A program storage device readable by computer comprising a program of instructions executable by said computer to perform a method for query processing...scanning, by a processor, all tag identifiers of said ordered index to determine if there exists a match between a query and any of said tag identifiers; parsing a matched textual element, if a tag identifier, corresponding to said matched textual element, matches said query; and skipping an unmatched textual element for parsing, if a tag identifier, corresponding to said unmatched textual element, does not match said query" as recited in claim 25. However, the Final Office Action responds to these allegations on P. 5-6.. Therefore, claims 1, 13, 35 and 37-53 are rejected under 35 USC 102(e).